

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To prohibit commercial sexual orientation conversion therapy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LIEU introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit commercial sexual orientation conversion therapy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Therapeutic Fraud
5 Prevention Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Being lesbian, gay, bisexual, transgender, or
2 gender nonconforming is not a disorder, disease, ill-
3 ness, deficiency, or shortcoming.

4 (2) The national community of professionals in
5 education, social work, health, mental health, and
6 counseling has determined that there is no scientif-
7 ically valid evidence that supports the practice of at-
8 tempting to prevent a person from being lesbian,
9 gay, bisexual, transgender, or gender nonconforming.

10 (3) Such professionals have determined that
11 there is no evidence that conversion therapy is effec-
12 tive or that an individual's sexual orientation or gen-
13 der identity can be changed by conversion therapy.

14 (4) Such professionals have also determined
15 that the potential risks of conversion therapy are not
16 only that it is ineffective, but also that it is substan-
17 tially dangerous to an individual's mental and phys-
18 ical health, and has been shown to contribute to de-
19 pression, self-harm, low self-esteem, family rejection,
20 and suicide.

21 (5) It is in the interest of the Nation to prevent
22 lesbian, gay, bisexual, transgender, and gender non-
23 conforming people and their families from being de-
24 frauded by persons seeking to profit by offering this
25 harmful and wholly ineffective therapy.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CONVERSION THERAPY.—The term “conver-
4 sion therapy”—

5 (A) means any practice or treatment by
6 any person that seeks to change another indi-
7 vidual’s sexual orientation or gender identity,
8 including efforts to change behaviors or gender
9 expressions, or to eliminate or reduce sexual or
10 romantic attractions or feelings toward individ-
11 uals of the same gender, if such person—

12 (i) receives monetary compensation in
13 exchange for such practice or treatment; or

14 (ii) instead of, or in addition to, re-
15 ceiving monetary compensation in ex-
16 change for such practice or treatment di-
17 rectly, receives monetary compensation in
18 exchange for a product or service that is
19 integral to the provision of such practice or
20 treatment by such person, unless such
21 product or service is protected by the First
22 Amendment to the Constitution; and

23 (B) does not include any practice or treat-
24 ment, which does not seek to change sexual ori-
25 entation or gender identity, that—

1 (i) provides assistance to an individual
2 undergoing a gender transition; or

3 (ii) provides acceptance, support, and
4 understanding of a client or facilitation of
5 a client’s coping, social support, and iden-
6 tity exploration and development, including
7 sexual orientation-neutral interventions to
8 prevent or address unlawful conduct or un-
9 safe sexual practices.

10 (2) GENDER IDENTITY.—The term “gender
11 identity” means the gender-related identity, appear-
12 ance, mannerisms, or other gender-related character-
13 istics of an individual, regardless of the individual’s
14 designated sex at birth.

15 (3) PERSON.—The term “person” means any
16 individual, partnership, corporation, cooperative, as-
17 sociation, or any other entity.

18 (4) SEXUAL ORIENTATION.—The term “sexual
19 orientation” means homosexuality, heterosexuality,
20 or bisexuality.

21 **SEC. 4. UNLAWFUL CONDUCT RELATED TO CONVERSION**
22 **THERAPY.**

23 (a) IN GENERAL.—It shall be unlawful for any per-
24 son—

1 (1) to provide conversion therapy to any indi-
2 vidual;

3 (2) to advertise for the provision of conversion
4 therapy and claim in such advertising—

5 (A) to change another individual's sexual
6 orientation or gender identity;

7 (B) to eliminate or reduce sexual or ro-
8 mantic attractions or feelings toward individ-
9 uals of the same gender; or

10 (C) that such efforts are harmless or with-
11 out risk to individuals receiving such therapy;
12 or

13 (3) to knowingly assist or facilitate the provi-
14 sion of conversion therapy to an individual if such
15 person receives compensation from any source in
16 connection with providing conversion therapy.

17 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
18 SION.—

19 (1) VIOLATION OF RULE.—A violation of sub-
20 section (a) shall be treated as a violation of a rule
21 defining an unfair or deceptive act or practice pre-
22 scribed under section 18(a)(1)(B) of the Federal
23 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

24 (2) POWERS OF COMMISSION.—

1 (A) IN GENERAL.—The Federal Trade
2 Commission shall enforce this section in the
3 same manner, by the same means, and with the
4 same jurisdiction, powers, and duties as though
5 all applicable terms and provisions of the Fed-
6 eral Trade Commission Act (15 U.S.C. 41 et
7 seq.) were incorporated into and made a part of
8 this Act.

9 (B) PRIVILEGES AND IMMUNITIES.—Any
10 person who violates subsection (a) shall be sub-
11 ject to the penalties, and entitled to the privi-
12 leges and immunities, provided in the Federal
13 Trade Commission Act (15 U.S.C. 41 et seq.).
14 Nothing in this paragraph shall be construed to
15 limit the authority of the Federal Trade Com-
16 mission under any other provision of law..

17 (3) REGULATIONS.—The Federal Trade Com-
18 mission may promulgate, in accordance with section
19 553 of title 5, United States Code, such regulations
20 as the Commission considers appropriate to carry
21 out this section.

22 (c) ENFORCEMENT BY ATTORNEY GENERAL.—The
23 Attorney General may bring a civil action in the courts
24 of the United States against a person who engages in a
25 violation of subsection (a), for appropriate relief.

1 (d) ENFORCEMENT BY STATES.—

2 (1) IN GENERAL.—If the attorney general of a
3 State has reason to believe that an interest of the
4 residents of the State has been or is being threat-
5 ened or adversely affected by a practice that violates
6 subsection (a), the attorney general of the State
7 may, as *parens patriae*, bring a civil action on behalf
8 of the residents of the State in an appropriate dis-
9 trict court of the United States to obtain appro-
10 priate relief.

11 (2) RIGHTS OF FEDERAL TRADE COMMIS-
12 SION.—

13 (A) NOTICE TO FEDERAL TRADE COMMIS-
14 SION.—

15 (i) IN GENERAL.—Except as provided
16 in clause (iii), the attorney general of a
17 State, before initiating a civil action under
18 paragraph (1), shall provide written notifi-
19 cation to the Federal Trade Commission
20 that the attorney general intends to bring
21 such civil action.

22 (ii) CONTENTS.—The notification re-
23 quired under clause (i) shall include a copy
24 of the complaint to be filed to initiate the
25 civil action.

1 (iii) EXCEPTION.—If it is not feasible
2 for the attorney general of a State to pro-
3 vide the notification required under clause
4 (i) before initiating a civil action under
5 paragraph (1), the attorney general shall
6 notify the Commission immediately upon
7 instituting the civil action.

8 (B) INTERVENTION BY FEDERAL TRADE
9 COMMISSION.—The Commission may—

10 (i) intervene in any civil action
11 brought by the attorney general of a State
12 under paragraph (1); and

13 (ii) upon intervening—

14 (I) be heard on all matters aris-
15 ing in the civil action; and

16 (II) file petitions for appeal of a
17 decision in the civil action.

18 (3) INVESTIGATORY POWERS.—Nothing in this
19 subsection may be construed to prevent the attorney
20 general of a State from exercising the powers con-
21 ferred on the attorney general by the laws of the
22 State to conduct investigations, to administer oaths
23 or affirmations, or to compel the attendance of wit-
24 nesses or the production of documentary or other
25 evidence.

1 (4) PREEMPTIVE ACTION BY FEDERAL TRADE
2 COMMISSION.—If the Federal Trade Commission in-
3 stitutes a civil action or an administrative action
4 with respect to a violation of subsection (a), the at-
5 torney general of a State may not, during the pend-
6 ency of such action, bring a civil action under para-
7 graph (1) against any defendant named in the com-
8 plaint of the Commission for the violation with re-
9 spect to which the Commission instituted such ac-
10 tion.

11 (5) VENUE; SERVICE OF PROCESS.—

12 (A) VENUE.—Any action brought under
13 paragraph (1) may be brought in—

14 (i) the district court of the United
15 States that meets applicable requirements
16 relating to venue under section 1391 of
17 title 28, United States Code; or

18 (ii) another court of competent juris-
19 diction.

20 (B) SERVICE OF PROCESS.—In an action
21 brought under paragraph (1), process may be
22 served in any district in which—

23 (i) the defendant is an inhabitant,
24 may be found, or transacts business; or

1 (ii) venue is proper under section
2 1391 of title 28, United States Code.

3 (6) ACTIONS BY OTHER STATE OFFICIALS.—

4 (A) IN GENERAL.—In addition to a civil
5 action brought by an attorney general under
6 paragraph (1), any other officer of a State who
7 is authorized by the State to do so may bring
8 a civil action under paragraph (1), subject to
9 the same requirements and limitations that
10 apply under this subsection to civil actions
11 brought by attorneys general.

12 (B) SAVINGS PROVISION.—Nothing in this
13 subsection may be construed to prohibit an au-
14 thorized official of a State from initiating or
15 continuing any proceeding in a court of the
16 State for a violation of any civil or criminal law
17 of the State.

18 **SEC. 5. SEVERABILITY.**

19 If any provision of this Act, or the application of such
20 provision to any person or circumstance, is held to be un-
21 constitutional, the remainder of this Act, and its applica-
22 tion to any person or circumstance shall not be affected
23 thereby.